

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**DIAMONTE DERON SCOTT**

**PETITIONER**

**V.**

**CIVIL ACTION NO. 3:18-CV-402 HTW-JCG**

**BILLY SOLLIE**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

This matter comes before the court pursuant to the Report and Recommendation of United States Magistrate Judge John C. Gargiulo, which was entered on January 14, 2019. [doc. no. 18] and the Motion to Dismiss filed by Defendant Billy Sollie [doc. no. 11]. Petitioner did not file an appeal or objection to the Report and Recommendation of the Magistrate Judge.

After examining the record evidence in this case the Magistrate Judge recommended: that the Respondent's Motion to Dismiss [doc. no. 11] should be granted and the Petition for Writ of Habeas Corpus should be dismissed.

This Court has reviewed the Report and Recommendation of the Magistrate Judge, as well as the court filings and the relevant law, and concludes that the findings in the Report and Recommendation [**doc. no. 18**] should be and are hereby **adopted** as this Court's own. Accordingly, the Motion to Dismiss [**doc. no. 11**] is **granted** in favor of the Respondent and this matter is dismissed. A separate Final Judgment will issue on this date.

SO ORDERED AND ADJUDGED, this the 6th day of February, 2019.

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE